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10/666,612	09/18/2003	Carlos A. Rivera-Cintron	7463-26	1435

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EXAMINER	
LONG, FONYA M	

ART UNIT	PAPER NUMBER
3689	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/666,612	RIVERA-CINTRON, CARLOS A.	
	Examiner	Art Unit	
	FONYA LONG	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 March 2008_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _18 September 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _11/12/2003_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This communication is a First Action Non-Final on the merits. Claims 1-11, as originally filed, are currently pending and have been considered below.

Election/Restrictions

1. Claims 12-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 12, 2008.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strub et al. (6,825,875) in view of Hayward et al. (7,336,266).

As per Claim 1, Strub et al. discloses a method of capturing audio, video, and additional sensory information during an event (Abstract, discloses recording audio, video, and physiological (i.e. additional sensory information) information during an event), comprising:

recording a multimedia presentation of the event having video and audio (Col. 8, Lines 30-67, discloses recording a multimedia presentation of an event using a recording unit having video and audio recording capabilities).

However, Strub et al. fails to explicitly disclose having haptic information simulating the motion experienced during an event.

Hayward et al. discloses the use of haptic devices in conjunction with user-interface devices with the concept of combining haptic information simulating the motion experienced during an event with the multimedia presentation recorded (Col. 4, Lines 6-36, discloses combining a haptic effect (i.e. haptic information) simulating the motion experienced during the event with sound (i.e. audio) and video of a recorded presentation (i.e. DVD, video, or video game).

Therefore, from the teaching of Hayward et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hybrid recording unit device for use in recording an event of Strub et al. to include haptic information simulating the motion experienced during an event as taught by Hayward et al. in order provide a new modality of sensing and enhance human experiences when viewing the multimedia presentation.

As per Claim 2, Strub et al. discloses the step of recording an event participant's heartbeat simultaneously with the recording of the video and audio (Col. 8, Lines 44-67, discloses a recording unit adapted to record visual (i.e. video) and audio data in reference to an event simultaneously with physiological data (i.e. heart rate) of a participant).

As per Claim 3, Strub et al. discloses the claimed invention as applied to Claim 1, above. However, Strub et al. fails to explicitly disclose synchronizing haptic information with the multimedia presentation recorded.

Hayward et al. discloses the use of haptic devices in conjunction with user-interface devices with the concept of synchronizing the haptic information with the multimedia presentation recorded (Col. 4, Lines 6-36, discloses synchronizing via outputting a corresponding haptic effect with the multimedia presentation recorded (i.e. video or DVD).

Therefore, from the teaching of Hayward et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hybrid recording unit device for use in recording an event of Strub et al. to include synchronizing haptic information with the multimedia presentation recorded as taught by Hayward et al. in order to provide a new modality of sensing and enhance human experiences when viewing the multimedia presentation.

As per Claim 4, Strub et al. discloses a system of recording and distributing a multimedia presentation of an event experienced by a participant, comprising:

at least one digital camera for recording the event experienced by the participant in a video presentation (Col. 14, Lines 16-58, discloses a digital video camera used for recording an event experienced by a participant); and

a processor for combining the haptic information with the video presentation forming the multimedia presentation (Col. 12, Lines 4-52, discloses a data processing

device (i.e. processor) which compresses the audio and video data recording in order provide a display (i.e. presentation) of the audio and video).

Although, Strub et al. discloses a transmitter (Col. 12, Lines 4-52), Strub et al. fails to explicitly disclose the transmitter being wireless. Strub et al. also fails to explicitly disclose a haptic information generator.

Hayward et al. discloses the use of haptic devices in conjunction with user-interface devices with the concept of a haptic information generator for generating signals simulating the motion experienced at the event (Col. 2, Lines 32-49, discloses an actuator and a circuitry coupled together where the circuitry sends a signal to the actuator simulating the motion experienced at the event); and a wireless transmitter for transmitting the multimedia presentation to a portable communication device (Col. 3, Lines 1-10, discloses a wireless transmitter configured to communicate between the processor and the actuator).

Therefore, from the teaching of Hayward et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hybrid recording unit device for use in recording an event of Strub et al. to include a haptic information generator and a wireless transmitter as taught by Hayward et al. in order to provide a display of the recorded audio and video data while providing a new modality of sensing and enhancing the human experiences when viewing the presentation.

As per Claim 5, Strub et al. discloses a heart monitor for recording the heart beat of the participant simultaneously with the recording of the event (Col. 5, Lines 49-

67, discloses an ECG monitoring device (i.e. heart monitoring device) being used simultaneously with the digital video camera).

As per Claim 6, Strub et al. discloses the event being selected from the group comprising an amusement ride, a parachute jump, a concert, a sporting event, and a travel adventure (Col. 2, Lines 55-65, discloses the event to include hiking (i.e. a travel adventure) or an amusement park).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an amusement park include amusement rides because it is old and well known that have rides at an amusement park.

As per Claim 7, Strub et al. discloses the event being an amusement ride (Col. 2, Lines 55-65, discloses the event to include an amusement park).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an amusement park to include amusement rides because it is old and well known to have rides at an amusement park.

However, Strub et al. fails to explicitly disclose the haptic information being a predetermined signal.

Hayward et al. discloses the use of haptic devices in conjunction with user-interface devices with the concept of the haptic information being a predetermined signal (Col. 4, Lines 6-67, discloses the haptic information (i.e. haptic effect) being a predetermined signal (i.e. a control signal) that simulates the motion experience of the video and audio presentation).

Therefore, from the teaching of Hayward et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hybrid recording unit device for use in recording an event of Strub et al. to include haptic information being a predetermined signal as taught by Hayward et al. in order to provide a new modality of sensing and enhance human experiences when viewing the multimedia presentation.

As per Claim 8, Strub et al. discloses the event being recorded from the perspective selected from the group comprising the participant's face and the participant's visual field (Col. 15, Line 54 - Col. 16, Line 26, discloses the location of the recorded at with the visual data acquisition device is mounted being the recorder’s head in order to obtain a visual point of view of the event).

4. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strub et al. (6,825,875) in view of Hayward et al. (7,336,266) and in further view of Abbott, III et al. (6,549,915)

As per Claim 9, Hayward et al. discloses synchronizing the multimedia presentation with the haptic information (Col. 4, Lines 6-36, discloses synchronizing via outputting a corresponding haptic effect with the multimedia presentation recorded (i.e. video or DVD). However, the Strub et al. and Hayward et al. combination fails to explicitly disclose a distribution computer.

Abbott, III et al. discloses a method for recording current state information about an event with the concept of a distribution computer that uploads the multimedia

presentation (Abstract and Fig. 3, discloses a computer system that stores (i.e. uploads) video and audio data (i.e. multimedia presentation) about an environment).

Therefore, from the teaching of Abbott, III et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Strub et al. and Hayward et al. combination to include a distribution computer as taught by Abbott, III et al. in order to provide later retrieval of information to users so that the user may view the presentation at a future time.

As per Claim 10, Hayward et al. discloses synchronizing the multimedia presentation with the haptic information (Col. 4, Lines 6-36, discloses synchronizing via outputting a corresponding haptic effect with the multimedia presentation recorded (i.e. video or DVD). However, the Strub et al. and Hayward et al. combination fails to explicitly disclose a distribution computer.

Abbott, III et al. discloses a method for recording current state information about an event with the concept of a distribution computer that uploads the multimedia presentation and a heart rate file generated from the heart monitor (Abstract and Fig. 3, discloses a computer system that stores (i.e. uploads) video and audio data (i.e. multimedia presentation and (Col. 8, Lines 20-46) raw physiological data (i.e. heart rate data) about the user and the environment the user is in).

Therefore, from the teaching of Abbott, III et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Strub et al. and Hayward et al. combination to include a distribution computer as taught by

Abbott, III et al. in order to provide later retrieval of information to users so that the user may view the presentation at a future time.

As per Claim 11, Strub et al. discloses the claimed invention as applied to Claim 9, above. However, Strub et al. fails to explicitly disclose a monitor.

Hayward et al. discloses the use of haptic devices in conjunction with user-interface devices with the concept of a monitor for viewing at least a portion of the multimedia presentation (Col. 5, Lines 34-49, discloses a processor (i.e. computer) having a display screen which includes an LCD panel or a CRT monitor).

Therefore, from the teaching of Hayward et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hybrid recording unit device for use in recording an event of Strub et al. to include a monitor as taught by Hayward et al. in order to provide the user with the ability to view the recorded information.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rosedale (7,117,136) discloses an input and feedback system which obtains haptic information and applies it to a simulated environment in order to provide sensory feedback to the user of the simulated environment.

Naimark et al. (5,816,823) discloses a method for interacting with motion pictures incorporating content-based haptic response.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thur 7:30am-6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689